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09/627,535	07/28/2000	Michael J. Bialek	10004344-1	3290

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EXAMINER

NGUYEN, CHAU T

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/627,535

Applicant(s)

BIALEK ET AL.

Examiner

Chau Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-14 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 7-10, and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al. (Peterson), US Patent No. 6,594,682.

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4. As to claims 1, 12, and 13, Peterson discloses a method of assembling content from content providers, the content providers having the content available on a network, for delivery to a subscriber's terminal, comprising the steps of:

obtaining a subscriber's content definition (col. 10, lines 17-24: storing user's preferences (subscriber's content definition));

defining a locator template having a plurality of parameter slots and being compatible with a resource locator of a content provider having content meeting said content definition (col. 10, lines 9-33 and col. 11, line 39 – col. 12, line 3: the user can elect certain channels and content by appropriately marking them in the index viewer UI 122, which presents general categories (plurality of parameter slots) such as "New and Technology", "Sports", "Business", "Entertainment", etc..., and the index viewer UI 122 displays one or more indices that associated with the information to which the user has subscribed);

recalling stored parameter and inserting said parameter values in said parameter slots to create a provider resource locator (col. 11, line 47 – col. 12, line 31: the user selects a set of channels (parameter slots) and indicates the preferred Web content within each channel, and the browser takes the user's input and constructs a set of rules based on the user's selections and preferences, and the browser then creates a new channel (provider resource locator) that presents the Web content from the set of channels);

transmitting said provider resource locator on the network (col. 4, lines 17-40);

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receiving content from said content provider in response to said transmission of said provider resource locator (col. 4, lines 17-40); and

assembling at least said received content for delivery to the subscriber's terminal (col. 7, lines 6-14).

5. As to claim 2, Peterson disclose the step of storing said received content (col. 9, lines 53-59).

6. As to claim 7, Peterson discloses the step of delivering said assembled content to the subscriber's terminal (Peterson, col. 7, lines 6-14).

7. As to claim 8, Peterson discloses the step of conveying said assembled content to the subscriber's terminal (Peterson, col. 7, lines 6-14).

8. As to claim 9, Peterson discloses wherein said step of obtaining a subscriber's content definition further comprises the step of recalling a subscriber profile (Peterson, col. 11, line 47 – col. 12, line 31: the user selects a set of channels (parameter slots) and indicates the preferred Web content within each channel, and the browser takes the user's input and constructs a set of rules based on the user's selections and preferences, and the browser then creates a new channel (provider resource locator) that presents the Web content from the set of channels)..

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9. As to claim 10, Peterson discloses the step of scheduling delivery of said assembled content at a time in accordance with said subscriber profile (Peterson, col. 8, line 54 – col. 9, line 15).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claim 1-2, 7-10, and 12-13 above, and further in view of Walker et al. (Walker), US Patent No. 6,377,963.

12. As to claims 3 and 14, Peterson discloses assigning said received content a storage name (col. 14, lines 26-53: creating a customized index of web content). However, Peterson does not disclose the steps of said storage name including a current

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date code and a content definition code; and confirming the existence of said storage name when at least said content is to be assembled, thereby identifying missing content.

In the similar field of endeavor, Walker discloses a magazine database contains data relating to magazines published by publisher such as magazine ID number (content code), and time periods of the magazine (col. 4, line 6 – col. 5, line 56). Walker also discloses a subscriber database contains magazine ID number, subscription expiration date, etc... (col. 5, lines 29-43), and if a subscriber record does not exist for subscriber, publisher creates a new record in subscriber database (col. 7, lines 1-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Walker and Peterson to include storage name including a current date code and a content definition code; and confirming the existence of said storage name when at least said content is to be assembled, thereby identifying missing content in order to make the system more efficient.

13. As to claim 4, Peterson and Walker (Peterson-Walker) disclose wherein the step of recalling stored parameter values further comprises the step of recalling stored parameter values that are stored in an association with at least part of said content definition (Peterson, col. 11, line 47 – col. 12, line 31: the user selects a set of channels (parameter slots) and indicates the preferred Web content within each channel, and the browser takes the user's input and constructs a set of rules based on the user's

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selections and preferences, and the browser then creates a new channel (provider resource locator) that presents the Web content from the set of channels; Walker discloses a magazine database contains data relating to magazines published by publisher such as magazine ID number (content code), and time periods of the magazine (col. 4, line 6 – col. 5, line 56). Walker also discloses a subscriber database contains magazine ID number, subscription expiration date, etc... (col. 5, lines 29-43), and if a subscriber record does not exist for subscriber, publisher creates a new record in subscriber database (col. 7, lines 1-14)).

14. As to claim 5, Peterson-Walker disclose wherein one of said stored parameters is a publication date, the method further comprising the step of incrementing said publication date by a predetermined time to create a second provider resource locator (Walker, col. 4, lines 53-65 and Fig. 3).

15. As to claim 6, Peterson-Walker disclose step of varying a parameter value to account for predicable errors of said parameter value to create another provider resource locator (Walker, col. 6, line 53 – col. 7, line 14).

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claim 1-2, 7-10, and 12-13 above, and further in view of Herz, US Patent No. 6,460,036).



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17. As to claim 11, Peterson does not explicitly disclose the steps of ascertaining subscriber advertising information with said received content. In the same field of endeavor, Herz discloses determining set of advertisements associated with target object (received content) and delivering the advertisements associated with target object to user (col. 40, lines 16 – col. 41, line 3). Thus, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Herz and Peterson to include ascertaining subscriber advertising information with said received content to enable user to access information of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The Examiner can normally be reached on Monday-Friday from 8:00 am to 6:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Feild, can be reached at (703) 305-9792.

The fax phone numbers for the organization where this application is assigned are as follows:

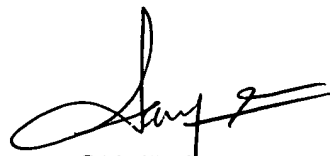
(703) 872-9306 (After Final Communications only)

(703) 872-9306 (Official Communications)

(703) 746-7240 (for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen  
Patent Examiner  
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SANJIV SHAH  
PRIMARY EXAMINER